

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 746 OF 2003

Smt. Vithabai Gopal Kadam since
deceased through L.Rs.

Prabhavati S. Kadam & Ors. . .Appellants

versus

State of Maharashtra & Ors. . .Respondents

Mr. S. S. Redekar for the Appellants.

Mr. S. N. Gawade for the Respondents - State.

CORAM : D. G. DESHPANDE, J.

DATE : 12TH SEPTEMBER, 2005

ORAL ORDER :

1. Heard learned Advocate for the Appellants.

2. Appellants are the original plaintiffs. Suit was filed for transfer of tenancy by the respondent in his name instead of the defendant. It was the contention of the original plaintiff that her signature was obtained by fraud and misrepresentation. The document was obtained by fraud and misrepresentation. The document was

obtained under one pretext and it was used for the aforesaid transfer. Such a plea places heavy burden of proof upon the plaintiff or the person alleging fraud and misrepresentation. That burden has not been at all discharged by the plaintiff. There is no evidence at all worthy of consideration in this regard. The trial court rightly dismissed the suit. There is no merit in this appeal, the same is dismissed.

12.9.2005

(D.G. DESHPANDE, J.